

**Hearing Officer Meeting Minutes
January 23, 2020**

A meeting of the City of Yuma's Hearing Officer was held on Thursday, January 23, 2020, at City Hall Room 190, One City Plaza, Yuma, AZ.

HEARING OFFICER in attendance was Pamela Walsma.

CITY OF YUMA STAFF MEMBERS present included Kenneth McCoy, Assistant City Attorney; Alan Kircher, Deputy Building Official; Alyssa Linville, Assistant Director/Zoning Administrator; Chad Brown, Associate Planner; Cheri Skinner, Associate Planner; Amelia Griffin, Assistant Planner; Charysse Casillas, Administrative Assistant; and Jessenia Juarez, Administrative Assistant.

Walsma called the meeting to order at 9:30 a.m.

CONSENT CALENDAR

Walsma approved the minutes of October 10, 2019.

PUBLIC HEARINGS

VAR-28796-2019: This is a request by Suntech Awning, on behalf of Helen Edgin, for a variance to reduce the side yard setback from 3' to 2', for the construction of a carport, in the Recreational Vehicle Subdivision (RVS) District. The property is located at 5707 E. 32nd Street, Unit 159, Yuma AZ.

Chad Brown, Associate Planner, summarized the staff report, recommending **DENIAL**.

QUESTION FOR STAFF

Walsma asked if it was possible for a carport to be only 8' wide. **Brown** stated the primary issue was the support structure being too close to the property line, which would then restrict the required parking width of 9'. **Brown** added that there have been other options for other properties. **Walsma** asked if the structure being too close to the property line was a safety issue. **Brown** advised that Community Planning's concern was the setback issue, and then deferred to Building Safety to address safety concerns.

Alan Kircher, Deputy Building Official, advised the City adopted the 2018 International Residential Code, which required 5' separation between the property line and structure. **Kircher** added that the City amended the code and allowed 3' separation in the manufactured home and RV zoning districts. **Kircher** said if the variance was approved, the Building Code would not permit the structure to be built with only a 2' separation. **Walsma** questioned if that was a standard based on safety issues. **Kircher** advised it was based on fire separation and fire safety.

Walsma inquired about a comment within the staff report which stated other variances of this type had been granted in this subdivision. **Brown** replied that most of those variances were for properties on corner lots where no actual building or buildable area was adjacent.

APPLICANT/APPLICANTS REPRESENTATIVE

Dennis Turgeon, 3561 East Cuervo Lane, Yuma, AZ said the adjacent property shares a common area with a swimming pool and advised no structure would be built there unless the pool was demolished.

Brown referenced page six of the Staff Report where the site plan shows the pool location being to the left of the proposed carport.

Walsma asked about the differences between previously granted variances and this one. **Brown** replied there were no special circumstances cited by this applicant, and there were other alternatives to construct without the need for a variance.

Turgeon said the other alternative would be more expensive for the customer. **Brown** noted there were no restrictions in place that would restrict the neighboring property from having the pool demolished and replaced with a structure in the future.

Walsma asked if Staff had received any other comments on this project. **Brown** said he had received comments from the neighbors that were supportive of the request.

OPEN PUBLIC COMMENT

None

DECISION

Walsma granted the variance, subject to the Conditions of Approval in Attachment A, finding that the four criteria had been met. **Walsma** specifically found that Criteria # 1 had been met because the pool area on the adjoining property made it unlikely that another structure would be built within that 30' area.

Kenneth (Scott) McCoy, Assistant City Attorney, asked for clarification from **Walsma**, in that she had approved variance relief of the Zoning Code, but the Building Code requirement of a 3' separation would still apply, and was still an issue to overcome. **Walsma** said that was correct.

Walsma adjourned the meeting at 9:41 a.m.

Minutes approved and signed this 13th day of February, 2020.



Pamela Walsma, Hearing Officer